

LONDON BOROUGH OF LEWISHAM

MINUTES of the meeting of the LICENSING COMMITTEE, which was open to the press and public held on TUESDAY 3 NOVEMBER 2020 and held remotely at 7.30pm.

Present

Councillor Stamirowski (Chair), Councillor Powell (Vice Chair) Councillors, Hall, Hordijenko, Howard and Wise.

Councillor Kalu was present for the beginning of the meeting but left after 20 minutes due to internet connection issues.

Apologies for absence were received from Councillors Campbell and Elliott.

Also Present

Lisa Hooper - Crime, Enforcement and Regulation Manager
Jay Kidd-Morton – Lawyer

Palace Amusements 70 Deptford High Street SE8 4RT.

Applicant

Andrew Woods – Applicants' representative

Applicants -Jeremy Godden, Jordan Godden and Stephen Lawrence

Representation

Declan Flynn Helena Russell and Gus Sidhu

1. Minutes

RESOLVED that the minutes of the meeting of the Licensing Committee held on 6 October 2020 be confirmed and signed.

2. Declarations of Interests

None declared.

3. Palace Amusements 70 Deptford High Street SE8 4RT.

- 3.1 The Chair welcomed all parties to the meeting of the Licensing Committee. She introduced those present, and outlined the procedure to be followed for the meeting. She then invited the Crime Enforcement and Regulation Manager to introduce the application.

Crime Enforcement and Regulation (CER) Manager

- 3.2 The CER Manager said that members were being asked to consider an application for a new Premises Licence made by East Kent Leasing Ltd under the Gambling Act 2005, for 3 Palace Amusements at 70 Deptford High Street SE8 4RT. This hearing had been postponed from 6 October 2020 to allow time to consider late documentation. She outlined the activities applied for, which related to an adult gaming centre (AGC) 24 hours 7 days a week.
- 3.3 The CER manager explained the categories of AGCs allowed for persons of 18 years and she also outlined the relevant reference to the gambling policy that outlines the responsibilities of members when making their decision. Representations had been received from four interested persons on the grounds of all the licensing objectives. She outlined the steps available to members when making a decision under the Gambling Act 2005. She drew members' attention to the 31 conditions proposed by the applicant which were set out at page 75 of the report. These had not been agreed with the Police or licensing officers as stated in the report. Representations had not been received from statutory authorities.

Applicant

- 3.4 The Chair invited Mr Woods to make his presentation on behalf of the applicant.
- 3.5 Mr Woods said that in his presentation he would show that the premises would protect children, not exploit people through gambling and would comply with all the licensing objectives. He drew members' attention to the local area risk assessment which included details regarding the company background, licensing condition, local area profile and risk assessment. He introduced the applicants and said that they had experience of managing over 400 adult gaming centres between them. Staff receive full training and these businesses has never been the subject of a review or statutory action.
- 3.6 Mr Woods referred to the brief intervention guide which included details of safeguarding the vulnerable. This is a licensing objective and his clients understood the importance of this for the residents in Deptford and Lewisham. The risk assessment document, assessed all risks, addressed the representations made and explained how the licensing objectives would be upheld.
- 3.7 Mr Woods said that in the representations, there had been claims that there would be crime and disorder if the application was granted. However, there had not been any representation from the Police.
- 3.8 The licensing objective of protecting children from harm would be protected, because in an adult gaming centre, staff walk around the machines, interacting with customers rather than standing behind a counter. Children would not be allowed onto the premises. There is very little loitering in these type of establishments.
- 3.9 Mr Woods said that he had attempted, through the clerk, to contact those who had made a representation. He wanted to discuss any issues with them but no one had

been available. Within the conditions, the applicant agreed that they would be in touch with local charities, including the Bench Outreach, on a regular basis and would work with them. There would also be regular contact with the Police. He was confident that with the documents produced and the combined experience of the applicants, the granting of a premises licence would not have a negative impact on the area.

3.10 The Chair invited members to ask questions of the applicant. During the discussion that followed, the following key points were raised.

- When an adult gaming shop is opened for the first time, one of the owners or the operations director would work at the premises for at least one month. An experienced manager would be employed to manage the shop and all staff would receive training.
- Deptford is one of the most deprived areas in the borough experiencing the high volume of anti-social behaviour. The risk assessment acknowledged this but it was claimed that crime is not associated with adult gaming centres. Deptford was described as in a medium risk area as an adult gaming centre within the M25.
- Deptford was chosen as a place to open an adult gaming centre because there is a demand for these centres but currently there is no provision in the area; approximately 5 years ago there were 3 adult gaming centres.
- The applicants are experienced successful business men. They believe that there will not be any anti-social behaviour, nor will the vulnerable be exploited if the application is granted because of the raft of measures that they have in place which promote the licensing objectives, and there would not be any crossover of clients from licensed betting shops to gaming centres.
- If the application was granted, the need for a Door Supervisor would be risk assessed. An application for a 24 hour licence had been made to enable flexibility within the business.
- Although most of the 31 conditions were standard, condition numbers 27-29 were not and had been included to promote neighbourhood liaison. The conditions must be upheld otherwise their licence could be reviewed.
- The provision of door staff was not one of the conditions but the applicant would consider employing staff if it was considered necessary. This was confirmed by Jeremy Godden who said that last year two of their ten establishments employed door staff
- An ATM must be at least 2 ½ metres from a gaming machine to ensure that a patron leaves their machine to use it.

Representation

3.11 The Chair invited Mr Flynn the Chief Executive Officer for Bench Outreach to make his presentation.

3.12 Mr Flynn said that his academic qualification is in psychology and counselling. He said that Bench Outreach is a well-known charity working with homeless vulnerable people in Deptford. He raised the following issues:

- Poverty and social issues in the vicinity of the proposed gambling centre were well documented. Lewisham is in the top 20% of deprived local authorities in England.
- Lewisham has the highest number of working age residents out of work and on benefits in London at 10%
- Lewisham has the highest number of residents in precarious employment.
- Salaries are below UK average and property rental prices average at £500 per month above the national average
- Child poverty is higher than 30% and reliance on food banks is increasing annually
- There are higher than average social and mental health issues.

3.13 Mr Flynn said that the proposed gaming centre is less than 10 minutes from four charity organisations who help vulnerable people. There are also several people living in substandard private accommodation in the vicinity who are on benefits and vulnerable to exploitation.

3.14 There is wide acceptance in the realm of health and social care that there is a correlation between gambling and homelessness. Worldwide studies proved this point. These studies also highlighted that people can suffer from mental health issues and those new to homelessness had developed a gambling habit. Mr Flynn said that he could produce a reference list of the numerous studies if required.

3.15 In conclusion, Mr Flynn said that there is a clear correlation between problem gambling, homelessness, poor mental health substance abuse and poverty. As a society, these people should be protected. Restricting the proliferation of gambling outlets would help.

3.16 Helena Russell, Co-Chair of the Deptford Society addressed the Committee. She said that the applicant had proposed 31 conditions, however, the local profile and risk assessment omitted the following:

- At least 3 schools are within a 400 metre radius of the premises.
- There is a large concentration of six forms and higher education in the area. None of these education establishments have uniforms and students are likely to visit the high street.
- A survey undertaken by the gambling commission, found that 2/3 of students gambled, 54% do so to make money.
- Women are more attracted to gaming shops. A Gambling Commission study showed that 1/3 of women rated as problem gamblers, came from Black, Asian and ethnic minority backgrounds. More than half of the residents in Evelyn and New Cross are from BAME backgrounds.
- A pawnbrokers is directly adjacent to the premises and two other cash loan shops are within a minute walk.
- There are 4 other gambling premises on the high street, two within 60 metres of the premises.

- Media reports show that adult gaming centres attract robbers. There were 7 knife attacks at Palace Amusement arcades between 2016 and 2018
- Reports from local safer neighbourhood officers and residents living on Deptford High Street claim betting shops are favoured by drug dealers

- 3.17 Gus Sidhu made a presentation to the Committee. He said that he was representing the shopkeepers on the high street. He said that he organised a petition within 15 minutes, which was signed by a large number of business people, such was the strength of feeling about this application.
- 3.18 Mr Sidhu said that it was laudable that the applicant wanted to engage with social workers from local charities but their aim is to make money. The gaming centre will attract the vulnerable in society. When they are turned away from shops they congregate in the area outside causing anti-social behaviour. When the betting shop Coral was in business, there was open drug dealing and theft from local shops increased. Vulnerable people need to rob to fund their addictive behaviour. Since Coral closed, anti-social behaviour outside his shop has subsided.
- 3.19 Mr Sidhu said that he believes that the application for a gaming centre has been made in Deptford because there are a large number of vulnerable and desperate people in the area and a lot of money will be made by this business.
- 3.20 The Chair asked Mr Woods whether his client would be prepared to accept a reduction in the licensing hours. Mr Woods said that they would prefer to keep the flexibility of 24/7.

Conclusion

- 3.21 Mr Woods said that members had heard some heart felt representations. However, a decision must be made in accordance with the Gambling Act 2005. He strongly disputed the suggestion that the gaming centre would be attracting vulnerable people. An application should not be refused because there is poverty and deprivation in the area. His client would operate correctly under the Act. He asked members to add weight to the fact that the Police had not made a representation.
- 3.22 Mr Sidhu said that the problem of anti-social behaviour exists because people hang around the area outside the shops, and are an unwanted nuisance on Deptford High Street. He disputed the applicants' claim that gambling centres do not attract the vulnerable.
- 3.23 The Chair said that she was satisfied that all information had been considered and members of the Committee confirmed that they had all been present throughout the proceedings. She said that the meeting would go into closed session. All parties would be advised of the decision within 5 working days. She thanked those present for attending the meeting.

Exclusion of the Press and Public

RESOLVED that under Section 100 (A) (4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12 (A) of the Act, as amended by the Local Authorities (Executive Arrangements) (Access to Information) (Amendments) (England) Regulations 2006 and the public interest in maintaining the exemption outweighed the public interest in disclosing the information:

3. Palace Amusements 70 Deptford High Street SE8 4RT.

The following is a summary of the item considered in the closed part of the meeting.

3. Palace Amusements 70 Deptford High Street SE8 4RT.

The application for a premises licence was GRANTED between the hours of 12 noon and 11pm subject to a door supervisor being employed for the duration while the business is open to the public and the following 31 conditions being added to the licence:

CCTV

1. CCTV shall be installed to Home Office Guidance standards and maintained in a good working condition and recordings shall be kept for 31 days and shall be made available to police and local authority licensing officers with minimum delay if requested.
2. A CCTV camera shall be installed to cover
 - a) All entry and exit points to and from the premises enabling frontal identification of every person entering under any light conditions
 - b) The areas of the premises to which the public have access (excluding toilets)
 - c) Gaming machines and any counter area
3. An overt CCTV monitor to be installed, able to be seen by customers.
4. The premises shall display notices near the entrance of the venue stating that CCTV is in operation.

Crime Prevention

5. The following crime prevention measures shall be implemented:
 - A time delay safe with deposit slot and anti-fishing mechanisms must be used at the counter till area
 - Regular robbery awareness and cash handling training shall be given to all staff.
6. The Licensee shall maintain 'Challenge 25 Refusals' register at the premises. The register shall be produced to the police or licensing authority forthwith on request.
7. Prominent signage and notices advertising the Challenge 25 will be displayed showing the operation of such policy.

8. Third party testing on age restricted sales systems purchasing shall take at least twice a year and the results shall be provided to the Licensing Authority upon request.

9. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

10. A maglock shall be installed and maintained on the main entrance/exit to the premises and which will be operable from the ground floor by staff. The maglock shall be in operation at staff's discretion from 09.00 hours to 22:00 hours. Outside these hours, the mag lock must be in operation at all times.

11. The entrance door shall remain closed during any licensable activity except for the entry and egress of customers/staff.

12. A suitable intruder alarm complete with panic button shall be fitted and maintained.

13. A fire alarm and smoke detections system will be installed.

14. The licensee will ensure that customer toilets are checked every hour for evidence of drug taking and alcohol consumption. Toilet checks are to be recorded on documents stating the time and member of staff who made the checks.

15. Toilet doors remain locked. Access to them is to be given by staff only.

16. An incident log shall be maintained and made available on request to an authorised Local Authority officer or the Police which will record the following;

- a) All crimes reported to the venue;
- b) Any complaints or incidents regarding crime and disorder;
- c) Refusals and banned customers
- d) Any faults in the CCTV system; and
- e) Any visit by a relevant authority or emergency service.

17. The Licensee shall implement a policy of banning any customers who engage in crime or disorder within or outside the premises.

18. The licensee will refuse entry to customers who appear to be under the influence of alcohol or drugs.

19. Prominent GamCare documentation will be displayed at the premises.

Staff Training

20. The licensee shall: provide training on the specific local risks to the licensing objectives that have been identified for these premises as part of the staff induction training programme and periodically provide refresher training to all of its

staff working at these premises on the specific local risks to the licensing objectives. Participation in this training shall be formally recorded on each member of staffs training records which, if requested will be presented to the Licensing Authority as soon as practicable.

21. The Licensee shall train staff on specific issues related to the local area and shall conduct periodic refresher training. Participation in this training shall be formally recorded and the records produced to the police or licensing authority upon request.

22. New and seasonal staff must attend induction training and receive refresher training every six months.

Homeless and Street Drinking

23. The Licensee shall place a notice visible from the exterior of the premises stating that customers drinking alcohol outside the premises is not permitted and those who do so will be banned from the premises.

24. The Licensee shall take all reasonable steps to prevent street drinking of alcohol directly outside the premises and to ban from the premises those who do so.

25. The Licensee shall place a notice visible from the exterior of the premises stating that anyone drinking alcohol outside the premises is not permitted and those who do so will be banned from the premises. The admission policy will include refusal if known/identified as a Street drinker.

26. The Licensee shall risk assess the number of staff required to staff the premises at any one time and will also risk assess the need for SIA door staff.

Neighbourhood liaison

27. The Licensee will make available a contact number for local residents to enable the local residents to contact the premises.

28. The Licensee will contact Bench Outreach and local charities identified by the Licensee as working with people with mental health issues and gambling addiction issues on a quarterly basis to work in partnership and identify local issues and a contact telephone number will be made available to such organisations.

29. The Licensee will ensure that the outside areas of the premises are monitored so as to ensure that all reasonable efforts are made to prevent any crime, disorder, anti-social behaviour being connected to the premises.

30. The Licensee shall provide the Licensing Authority with their compliance/operating manual which sets out all of the premises policies to meet the regulatory requirements under the Gambling Act 2005 and shall provide a copy of any update or revision as soon as practicable following the implementation of that change.

ATM

31. Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to cease gambling at any gaming machine in order to do so.

The meeting ended at 8.30pm

Chair